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4 June 2014

Honorable Aaron E. Goodstein
Federal Courthouse
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Re: Wisconsin Eastern District Case No. 13-CR-155
United States v. Jeffrey Feldman

Your Honor,

In Mr. Feldman's motion to compel disclosure of RoundUp (Docket Entry 25), he asserted that if RoundUp "accessed, searched, or trespassed on areas of Mr. Feldman's computer" that he may have a valid warrantless search motion to pursue under both a reasonable expectation of privacy theory and under a trespass theory. *See id.* at 11, citing *Katz v. United States*, 389 U.S. 347 (1967) and *United States v. Jones*, 132 S. Ct. 945 (2012).

Mr. Feldman has discovered additional authority supporting the notion that electronic signals generated and sent by a computer are sufficiently physically tangible to support a trespass cause of action. *See CompuServe, Inc. v. Cyber Promotions, Inc.*, 962 F.Supp. 1015, 1021 (S.D. Ohio 1997), citing *Thrifty-Tel, Inc. v. Bezenek*, 46 Cal.App.4th 1559, 1567, n. 6 (1996). *Jones* held that a trespass, combined with the purpose to seek information, constitutes a search for which a warrant must be obtained. *See Jones* at 949 and 951, n. 5. Because all indications are that RoundUp made contact with Mr. Feldman's computer with the purpose of obtaining all sorts of information from it (for example, see Docket Entry 25 at 12-14), RoundUp must be ordered disclosed so that Mr. Feldman can adequately discern whether a warrantless search motion lies.

/s/ _____
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